

Response to Proposed Settlement Inquiry

Exhibit J

Morris, Emily D <Emily.Morris@sol.doi.gov>

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To: Steve Ball <steve.ball@bluestone-coal.com>

Cc: Shope, Thomas D. <tshope@osmre.gov>; Castle, Michael C <mcastle@osmre.gov>; Holliman, Duane V <dholliman@osmre.gov>

Mr. Ball,

The Office of the Solicitor has been informed by the Office of Surface Mining Reclamation and Enforcement (OSMRE) that the Justice Companies are interested in settling outstanding claims with OSMRE, including, but not limited to, penalties, debts, and accrued interest and late payment fees owed.

Before the Department of the Interior will review any proposal that you may present to settle monetary claims owed to the United States, the Justice Companies must abate or be in the process of abating the outstanding violations incurred by the Justice Companies in Tennessee to the satisfaction of OSMRE. This will require the Justice Companies to provide the OSMRE Lexington Field Office with a satisfactory plan to perform reclamation operations in accordance with a compliance schedule to abate the outstanding violations in Tennessee and meet the conditions of the permits, the reclamation plans, and the regulatory program. Moreover, the Department will require a demonstration that the Justice Companies have the ability and intent to satisfy the plan. Such a demonstration must include substantial progress toward abatement of the violations.

Only once OSMRE has notified the Office of the Solicitor that it is satisfied with the plan and the progress of abatement of violations will the Department consider any proposal you may submit that details what you are offering in terms of payment of the debt owed. At that time, the Department will review the matter internally as well as externally with the U.S. Department of Justice (DOJ) because DOJ, not Interior, has the ultimate authority to settle monetary claims of this size. There is no guarantee that Interior/DOJ will agree to a settlement. We note, of course, that any potential future settlement discussions are independent of, and do not relieve the Justice Companies of, its regulatory requirements to abate the violations associated with the permits.

Regards,
Emily

Emily D. Morris
Assistant Solicitor
Branch of Surface Mining
Division of Mineral Resources
Office of the Solicitor
U.S. Department of the Interior
202.208.5236

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